

# **IMPLEMENTATION AND EVALUATION OF AFFIRMATIVE ACTION**

Study project presented in partial fulfilment of the requirements for the degree of  
Master of Public Administration (MPA) at the University of Stellenbosch



**KEVIN JAMES HECKRATH**

Study leader

**Mr Andries van Rooyen**

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## **DECLARATION**

I, the undersigned, hereby declare that the work contained in this study project is my own original work and that I have not previously in its entirety or in part submitted it at any University for a degree.

**DATE: 13 February 1998**

## **ABSTRACT**

The concept of affirmative action has been interpreted variously by different interest groups. As a policy, affirmative action is intended to correct the imbalances and disparities that have become germane to the South African labour force. Those who were previously disadvantaged eagerly welcome it. This study explores the nature and implementation of affirmative action and examines literature on the various aspects pertaining to affirmative action. The empirical research was done at the Traffic Branch of the Municipality of Cape Town an employer with an affirmative action policy. The results were tabulated for purposes of comparison. The overall findings of the research project are then discussed and concluded with research findings.

## **OPSOMMING**

Die konsep regstellende aksie word verskillend deur belangegroepe vertolk. As 'n beleid is regstellende aksie bedoel om die wanbalans en ongelykhede wat verwant aan die Suid Afrikaanse arbeidsmag geraak het, te korrigeer. Diegene wat vroeër benadeel was verwelkom dit. Die studie verken die aard en implementering van regstellende aksie. Die empiriese navorsing was gedoen by die Verkeerstak van die Munisipaliteit van Kaapstad 'n werkgewer met 'n beleid van regstellende aksie. Die resultate is getabuleer vir doeleindes van vergelyking. Die algehele bevindinge van die navorsingsprojek word dan bespreek en afgesluit met die navorsingsbevindinge.

## **ACKNOWLEDGEMENTS**

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## 1. INTRODUCTION

The Municipality of Cape Town is since 1994 engaged in a process to improve the representativeness of its personnel establishment to reflect the racial and gender composition of the Cape Town area of jurisdiction (see Appendix 1). Special attention will be given to those departments which are not representative whilst recognising the need to maintain and improve the service delivery.

Affirmative action must address and attempt to change the mindset of people who were discriminated against in the past. It appears if affirmative action is seen by black South Africans to be some kind of panacea and by whites as a threat to their personal security. It is in the interest of good governance to manage these expectations on the one side and the fears on the other side. This is the greatest challenge facing the Municipality of Cape Town.

One of the objectives of the Reconstruction and Development Programme of the National Government, is to build a public service that will provide an excellent quality of service. The public service which for the purpose of this article include employees of local authorities, as employer in South Africa is not representative of the racial and gender composition of the country particularly in the middle and top management positions.

The study project will deal with the implementation and evaluation of affirmative action within the Traffic Branch of the Municipality of Cape Town by firstly giving a background to the study. Thereafter a discussion will follow on international

experiences of affirmative action with specific reference to the merit principle and standards of performance, tokenism and reverse discrimination. A discussion will then follow on affirmative action in the Municipality of Cape Town addressing aspects such as the research method that was followed in the investigation, the analysis of data and the evaluation of the findings.

## **1.1 BACKGROUND TO THE STUDY**

On the 21 September 1932, the first traffic inspectors were appointed by the Municipality of Cape Town (Shorten, 1963:551). Their duties were essentially administrative, being confined to the inspection and supervision of the parking of privately owned vehicles. By the end of 1932, the Traffic Branch was in being and it had increased to a total strength of three officers and thirty two inspectors.

The Municipality of Cape Town had as a principle since 1946 that "there should be equal work, regardless of sex and race" (Cameron, 1986:40). However, in reality a different picture emerged. In terms of the Government policy of job reservation provided for in Section 77 of the Industrial Conciliation Act, 1956 (Act 28 of 1956) the Department of Labour, which administered the Act, determined statutory job reservation which in practice meant that some positions could only be occupied by white persons.

Concerning the availability of posts to coloured employees job reservation was also taken into account. This applied to both non-statutory job reservation, under which an employer himself determined which population group qualified for posts, and to

statutory job reservation under Section 77 of the Industrial Conciliation Act (Theron Commission, 1976:427). "Non-statutory job reservation was the prerogative of the employer and may largely derive from a tradition built up over a long period of time. On the other hand non-statutory job reservation may derive from an inherent prejudice among employers about the alleged inability of certain population groups to do certain categories of work. A number of town clerks testified that a form of non-statutory job-reservation resulted from the pressure brought to bear upon local authorities by certain trade unions, especially trade unions representing certain population groups." (Theron Commission, 1976:427).

Statutory job reservation in terms of the Industrial Conciliation Act 1956, which applied to the Municipality of Cape Town, included the following provisions (Government Gazette, R1869, 6 December 1963):

"Municipal undertaking, Cape Town: 82 per cent of the traffic police constables must be white. The work force above the rank of constable and of ambulance drivers and attendants and firemen is also reserved for whites. Exemption has been granted for an indefinite period to enable non-white ambulance drivers to transport non-white patients to and from hospital" (Theron Commission, 1976:427).

According to Cameron (1986:41) one of the reasons for the long survival of job reservation on the statute book was the influence of the South African Association of Municipal Employees (SAAME), the whites-only trade union which had consistently objected to "coloureds" being employed in "white" posts. Cameron (1986:41) also states that the majority of active SAAME support came from the blue-collar workers

and lower echelon administrative servants, those classes that felt most threatened by the growing socio-economic development of coloureds who in the 1970's began to move into these positions.

"Despite the formal scrapping of job reservation in 1982, it has since then been carried out by more subtle means. In certain categories the Town Clerk, in consultation with the head of department had the power to appoint staff. Certain departments have been known for their intransigence in appointing "coloured " staff. Further the provision of by-law 1984 obliged the Municipality of Cape Town to consult the South African Association of Municipal Employees (SAAME) when "coloured" people moved into jobs previously held by "white" people." (Cameron, 1986:42). In December 1985 amendments were made to the Municipal by law 1984 which removed all racial provisions in the employment field.

The Affirmative Action and Human Resources Development Agreement, formulated and introduced within the Municipality of Cape Town in 1994, is a mechanism that could improve the representativeness of the personnel establishment to reflect the racial and gender composition of the Cape Town area of jurisdiction.

## **1.2 PREMISE**

The premise of this article is that the Affirmative Action Programme is not applied in the Traffic Branch of the Municipality of Cape Town.

### **1.3 OBJECTIVES OF THE STUDY**

The study is to evaluate the implementation of the affirmative action programme in the Traffic Branch of the Municipality of Cape Town by analysing the appointments in vacant positions for the period 1 January 1995 to 31 December 1996. The opinions of specific incumbents on the implementation of the affirmative action programme within the Traffic Branch will also be measured.

## **2. THEORETICAL OVERVIEW**

In this section a theoretical overview of affirmative action will be given.

Maphai (Hugo, 1992:72) states that affirmative action refers to a variety of programmes and measures characterised by attempts to redress historical racial and gender inequalities. Maphai with justification, feels that affirmative action should be abandoned as soon as it has reached its goals of redressing past injustices because "... at face value, it violates, albeit in a justifiable manner, values of non-racialism, non-sexism and equity" (Hugo, 1992:73).

To some, affirmative action is a beacon of positive expectation. To others it is an alarming spectre which is viewed as a threat to their personal security and a menace to the integrity of public life (Mandela, 1991).

Qunta (1995:1-2) describes affirmative action in the following manner:

"Affirmative action can be described as a systematic, planned process, whereby the effects of colonialism and racial discrimination are being reversed in all areas of life. Through proactive programmes, affirmative action provides opportunities not previously available to black people. Affirmative action is not the haphazard sprinkling of black people in visible positions. That is tokenism. It should be a carefully thought-out strategy, structured in such a way that it maximises the skills and potential of everyone. Affirmative action, properly implemented, will remove or at least minimise the incidence of racial and sexual discrimination in the corporate world".

Affirmative action therefore implies meritorious empowerment of individuals through opportunity and development. Assessment of merit should be based on fair, objective and non-culturally biased standards. Thus, affirmative action requires the total eradication of all obstacles, whether subtle or overt, formal or informal which hinder the empowerment of the previously disadvantaged.

The conclusion can be drawn that affirmative action refers to the preferential treatment of disadvantaged groups. With this preferential advancement however, comes many problems and controversies such as, are persons appointed to window-dress or to fill quotas. These viewpoints will now be discussed in a discussion on the international perspectives on affirmative action.

## **2.1 INTERNATIONAL EXPERIENCES OF AFFIRMATIVE ACTION**

In relation to Malaysia where affirmative action was applied on the basis of ethnic inequalities and discrimination against the Malays, South Africa's case is more of a cultural diversity nature. Discriminatory practices in the South African situation have not been against the minorities but against the racial groups that form the majority of the people of this country, i.e. blacks, (black include Africans, Coloureds and Indians) (Optima, 1992).

Faundez (1994:1) states that internationally, the notion of equality features prominently in the affirmative action debate. He points out that a view also exists whereby affirmative action programmes generate greater inequalities. He argues further that no matter how one looks at it, affirmative action remains a form of reverse discrimination.

Within the South African context a variety of issues on affirmative action appear regularly for discussion. Amongst these are merit, standards, tokenism and reverse discrimination. These issues will now each be dealt with.

## **2.2 MERIT**

The reality is that individuals from disadvantaged groups are finding themselves in situations where they are candidates to accelerated advancement. These individuals are then selected to participate in programmes at assessment centres,



whose purpose ought to be to measure their potential and to be groomed into certain positions (Makwana, 1994:23).

Herbert (1994:50) states that many South African companies have promotion on merit and no discrimination on the basis of race, gender or creed as a policy. When one compares the company policy with employee demographics and management statistics, one is tempted to conclude that such policies have failed in its implementation or the least are not very successful.

The African National Congress accepts the principles of merit and sensitivity to the aspirations of current organisational members. President Mandela, in his opening statement to the ANC conference on affirmative action in Port Elizabeth in October 1991 argued that (Human, 1993:3):

"The primary aim of affirmative action must be to redress the imbalances created by apartheid... we are not ... asking for handouts for anyone. Nor are we saying that just as a white skin was a passport to privileges in the past, so a black skin should be the basis in the future. Nor... is it our aim to do away with qualifications. What we are against is not the upholding of standards as such but the sustaining of barriers to the attainment of standards; the special measures that we envisage to overcome the legacy of past discrimination, are not intended to ensure the advancement to unqualified persons, but to see to it that those who have been denied access to qualifications in the past can become qualified now, and those who have been qualified all along but overlooked because of past discrimination, are at last given their due... The first point to be made is that affirmative action must be rooted in principles of justice and equity".

Idasa (1993:7) proposes a redefinition of merit as:

"Revision of standards and practices and selection criteria to ensure that they do not exclude qualified people from consideration for positions and employment benefits. This involves not only removing arbitrary, artificial and unnecessary barriers to employment, but a reassessment of current standards so that a more realistic interpretation of what "merit" for particular jobs or benefits is applied".

For the purpose of this research merit is defined as a requirement for potential and an assessment for competence. The most competent person will not necessarily be promoted or employed but that the provisions relating to "merit" may be fully congruent with the objectives contained in the organisation's affirmative action policy and not merely regarded as the lowering of standards.

### 3 STANDARDS

One of the most common objections to affirmative action promotions or appointments is that it entails the lowering of standards that lead to the hiring of unqualified or under-qualified persons, which in turn will result in decreased productivity and a lowering of international competitiveness. Promotions based on "merit" are said by the proponents of this view to be the only way of ensuring the maintenance of high standards (Van Wyk, 1994:7).

Human (1993:31) states that the argument is often used that affirmative action could lead to the lowering of standards. She points out that this is often used as a reason



for retaining entrance criteria and for the failure of blacks and women allowed into the organisation without the required entrance criteria.

Madi (1993:36) states that reality shows that many whites have been promoted beyond their level of competence because of the scarcity of management in this country, and that whites perceive themselves as poorly educated and threatened by competent blacks. It is particularly these managers that are concerned that standards will decline if blacks are to be promoted to management positions. Madi (1993:7) claims that the fallacy that standards will decline is probably the result of some organisations promoting black managers too fast and beyond their level of competence.

Adams (1993:13) concludes by arguing that the weight of evidence does not support the assertion that affirmative action leads to the lowering of performance. He believes that if affirmative action strategies fail to address all the essential factors, positive results will not be achieved. He believes that time should not be wasted arguing about the merits or demerits of affirmative action, but managers should focus their creative minds on formulating strategies for affirmative action.

For the purpose of this research it is concluded that by assessing competence, standards of performance will not be lowered but will be maintained or increased.

## 2.4 TOKENISM

Qunta (1995:53) sees tokenism as the criticism expounded by companies not wishing to make real changes.

Madi (1993:15) states that: "Blacks have been appointed to sit on management boards mainly for token reasons, and no substantial contributions were expected from them except to tell the company what was happening in the township ..."

According to Innes (1993:15) tokenism is another drawback which accompanies affirmative action programmes. It usually occurs when a company or organisation is very keen to promote black people in prominent positions within the organisation, in order to achieve a "window dressing" to look good in the eyes of either the international community or black consumers. Essentially what the company does is to promote black people into visible positions, without ensuring that they have acquired the requisite skills to take responsible decisions in their new posts. In order to reduce the damage that could ensue the company often devalues the post.

Lastly, Charlton and Van Niekerk (1994:66) contend that accusations of window dressing are made in companies who provide "token" positions as part of cosmetic change and offer new appointees luxury offices and titles without concomitant responsibility and accountability. They believe that in these cases skin colour, and not merit, opens the doors to the corridors of power. They state that this is "tokenism" where true power and autonomy is traded for a salary.

For the purposes of this research affirmative action is not regarded as tokenism on condition that an assessment of competence and potential is undertaken as part of the affirmative action policy of the organisation.

## **2.5 REVERSE DISCRIMINATION**

One of the first questions often asked about affirmative action is whether it is a form of discrimination. Reverse discrimination is one of the most prevalent accusations directed at affirmative action initiatives.

Human (1993:30) makes a strong point against the idea of reverse discrimination but cautions that the implementation of an affirmative action programme based on quotas may come "dangerously close to reverse discrimination".

It can thus be said that when white people cannot get employment because the company prefers to employ black people, this policy must be seen in the context of the previous situation in which whites were preferred over blacks. This situation is being directly reversed by affirmative action, which is in effect the reversal of discrimination rather than reverse discrimination.

## **3. AFFIRMATIVE ACTION IN PRACTICE**

Meaningful implementation of affirmative action requires a national commitment to a policy of effective equal opportunity and to measures aimed at facilitating and supporting the participation of previously disadvantaged groups (Adam, 1993:15).

In this section the affirmative action programme of the Municipality of Cape Town, the research undertaken and the findings will be explained.

### **3.1 MUNICIPALITY OF CAPE TOWN: AFFIRMATIVE ACTION PROGRAMME**

Appendix 2 is an indication of the various departments and sections within the City Administration Department of the Municipality of Cape Town. The City Administration Department is controlled by the City Administrator who is assisted by a Senior Deputy City Administrator and two Deputy City Administrators.

The Traffic Branch is managed by a Traffic Manager who in turn has to report to a Deputy City Administrator. The Traffic Manager as indicated in Appendix 3, has two Assistant Traffic Managers who control the logistics and operational functioning of the Traffic Branch respectively.

The Municipality of Cape Town adopted an affirmative action policy after reaching an agreement with trade unions. This agreement is called "the affirmative action and human resources development agreement" (appendix 8) which was agreed to by the Council of the Municipality and all the relevant trade unions, namely the South African Municipal Workers' Union (SAMWU), the South African Association of Municipal Employees (SAAME) (now known as the Independent Municipal Allied Trade Union (IMATU)) and the Cape Town Municipal Professional Staff Association (CTMPSA). The policy document states that the parties accept the need to implement comprehensive strategies in order to address the imbalances caused by discrimination on the basis of race, gender or disability. The policy document states

that the affirmative action programme will apply for a limited period of time, but it does not specify what the period of time will be (appendix 8).

The responsibility for the implementation of the affirmative action programme is delegated to the Executive Committee of the Municipality of Cape Town, Departments and recognised trade unions. The trade unions acknowledge that the Municipality has the right to manage its affairs. The Municipality acknowledges that the effective implementation of the affirmative action programme requires monitoring, evaluation and judgement and accept that there should be joint supervision of the implementation of the affirmative action programme by employees and employer. The parties agreed to the establishment of an affirmative action board (see Appendix 8, Section5).

The affirmative action board works through the affirmative action officer who has the following functions:

- To be present at all Executive Committee meetings when affirmative action matters are discussed.
- To raise matters with the Executive Committee.
- To advise the board on various aspects of affirmative action.
- To develop, maintain and manage affirmative action programmes.
- To monitor and evaluate affirmative action programmes.

#### **4. RESEARCH METHOD**

A survey was conducted at the Traffic Branch within the Municipality of Cape Town to establish the progress of the affirmative action programme. The survey was conducted in the form of a questionnaire (see Appendix 4) directed at the human resources department in which all promotional posts and vacancies between 1 January 1995 and 31 December 1996 were looked at.

A second questionnaire (see Appendix 5) used for data collection, was directed at the different section heads within the Traffic Branch. The questionnaire was designed according to the Likert scale in terms of which respondents had to react to opinion statements represented by the categories listed below:

- (i) Agree
- (ii) Disagree
- (iii) Undecided

The questionnaire was directed at the seven section heads of the Traffic Branch and all seven questionnaires were completed and returned. (Assistant Traffic Manager, Chief Inspector (2), Inspector, Senior Inspector, Chief Administrative Assistant and Senior Administrative Officer.)



## 5. ANALYSIS OF DATA

The research data on the implementation of the affirmative action policy by means of appointment and promotions in the Traffic Branch and the responses of the section heads on matters pertaining to affirmative action will now be dealt with.

### 5.1 VACANCIES AND APPOINTMENTS IN POSTS

Table 1 contains the number of vacancies and appointments in posts in the Traffic Branch for the period 1 January 1995 to 31 December 1996.

**TABLE 1: VACANCIES AND APPOINTMENTS IN POSTS:**

**TRAFFIC BRANCH: 1 JANUARY 1995 TO 31 DECEMBER 1996**

Post Advertised	Vacancies	Affirmative Action Applied	Affirmative Action Not Applied
Inspector	4	3	1
Sub-inspector	3	3	-
Traffic Officer	19	19	-
Senior Traffic Warden	2	2	-
Administrative Assistants	6	6	-
Principal Administrative Assistants	2	1	1
Senior Administrative Assistants	3	3	-
<b>TOTALS</b>	<b>39</b>	<b>37</b>	<b>2</b>

It is significant to note that with the affirmative action programme in place, the policy was applied in thirty-seven posts (95%) out of a total of thirty nine.

## 5.2 RESPONSES FROM SECTION HEADS

The analysis of data of the section heads are presented in the following format:

- Affirmative action and merit;
- Affirmative action and standards;
- Affirmative action and tokenism; and
- Affirmative action and reverse discrimination

**TABLE 2: VIEWPOINTS OF SECTION HEADS ON AFFIRMATIVE ACTION**

Statement	Agree		Disagree		Undecided	
	No	%	No	%	No	%
Affirmative action is not based on merit	6	86	-	-	1	14
Affirmative action causes standards to drop	5	71	2	29	-	-
Affirmative action is no more than tokenism	2	29	3	43	2	29
Affirmative action amounts to reverse discrimination	3	43	4	57	-	-

### 5.2.1 AFFIRMATIVE ACTION AND MERIT

Six (86%) of the seven respondents agreed with the statement that affirmative action is not based on merit. One (14%) of the seven respondents did not agree with the same statement.

The trend is that the viewpoint of the majority of the respondents is that affirmative action is not based on merit.

### **5.2.2 AFFIRMATIVE ACTION AND STANDARDS**

The research revealed that five (71%) of the seven respondents agree with the statement that affirmative action causes standards to drop, whilst only two (29%) of the seven respondents disagree with the statement.

The trend is that the majority (71%) of the respondents agree that affirmative action causes standards to drop in the organisation.

### **5.2.3 AFFIRMATIVE ACTION AND TOKENISM**

The respondents were tested on whether they agree or disagree with the statement that affirmative action is tokenism. Two (29%) of the seven respondents agreed that affirmative action is tokenism, and two (29%) were undecided. Three (43%) of the seven respondents disagreed with the statement that affirmative action is tokenism.

### **✶ 5.2.4 AFFIRMATIVE ACTION AMOUNTS TO REVERSE DISCRIMINATION**

Three (43%) of the seven respondents agreed with the statement that affirmative action amounts to reverse discrimination. The majority namely four (57%) of the seven respondents disagreed with the statement that affirmative action amounts to reverse discrimination.

## **6. EVALUATION**

The above discussion pertained to an analysis of the various aspects relating to affirmative action. The most significant finding was that with the affirmative action policy in place, the majority of appointments in vacant posts (see table 1) in the Traffic Branch were made according to the affirmative action policy as per the agreement.

Another finding was the response from the Section Heads in that a majority of the respondents were of the opinion that affirmative action was not based on merit and that it causes standards to drop.

## **7. RECOMMENDATIONS**

Following from the findings of the research and more specifically the responses of Section Heads of the Traffic Branch in respect of affirmative action, the Municipality of Cape Town should consider improving the methods of communicating it to its employees. It is suggested that members of management be extensively informed of the programme by means of workshops which are followed by training sessions conducted by the training division in the Human Resources Department. Managers need to be assisted, through training and development to tackle the challenge of implementing the affirmative action programme effectively within the Traffic Branch. Contemporary thinking appears to favour the view that effective implementation of the affirmative action programme depends on management competence or ability in coping with these challenges and as such, the training search light should focus

more on managers (as employers) than on the protected sub-groups (as employees).

## **8. CONCLUDING REMARKS**

The objective of the study was to evaluate the implementation of the Affirmative Action Programme in the Traffic Branch of the Municipality of Cape Town. The premise was that the Affirmative Action Policy is not being applied in the Traffic Branch of the Municipality of Cape Town. The research was done empirically and it was found that the Affirmative Action Policy was being implemented in terms of the Agreement. The premise namely that the Affirmative Action Policy is not applied in the Traffic Branch of the Municipality of Cape Town has thus been proven to be not correct.

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**APPENDIX 1**

**POPULATION: MUNICIPALITY OF CAPE TOWN  
1994 – 1995**

<b>Race</b>	<b>Male</b>	<b>Women</b>	<b>Total</b>	<b>Percentage</b>
White	153 560	161 111	314 671	24
Coloured	356 918	367 054	723 972	56
Asian	9 482	9 446	18 928	2
Black	-	-	235 484	18

Source: Annual Report of the Medical Officer of Health  
Municipality of Cape Town 1994/1995

**PERSONNEL OF THE TRAFFIC BRANCH:  
MUNICIPALITY OF CAPE TOWN (1994)**

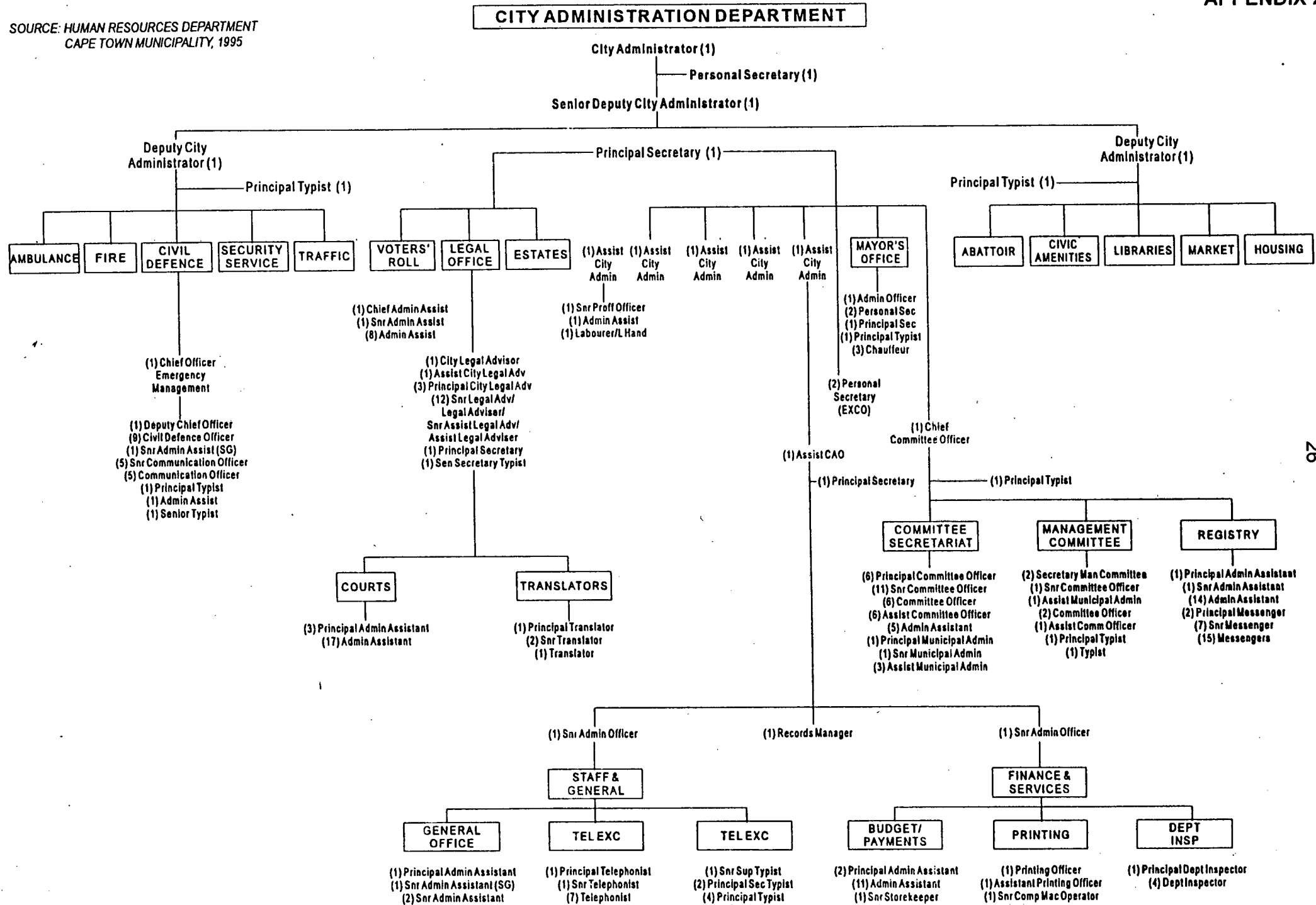
<b>Race</b>	<b>Male</b>	<b>Women</b>	<b>Total</b>	<b>Percentage</b>
White	213	90	303	56
Coloured	196	34	230	43
Black	7	-	7	1

Source: Traffic Branch – Staff Office  
30 June 1996

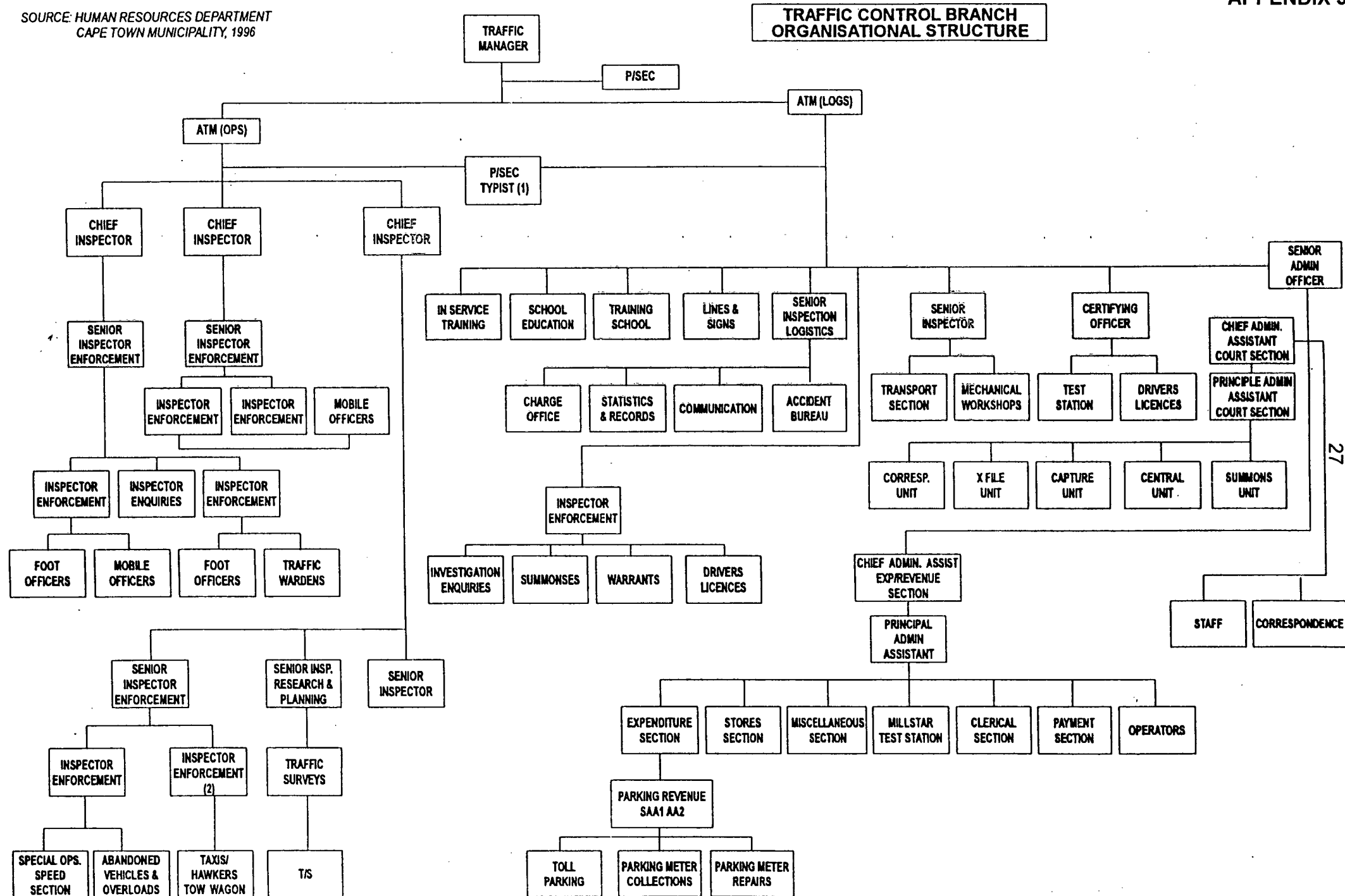
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\* Asian included in coloured

SOURCE: HUMAN RESOURCES DEPARTMENT  
CAPE TOWN MUNICIPALITY, 1995



SOURCE: HUMAN RESOURCES DEPARTMENT  
CAPE TOWN MUNICIPALITY, 1996



APPENDIX 4

TRAFFIC BRANCH: MUNICIPALITY OF CAPE TOWN  
QUESTIONNAIRE

Posts advertised: 1 January 1995  
31 December 1996

Please complete appropriate block

Name of post advertised										
Number of vacancies	1	2	3	4	5	6	7	8	9	10 or more Specify
Number on short list	1	2	3	4	5	6	7	8	9	10 or more Specify
Minimum qualification for post as advertised	Std 6	Std 7	Std 8	Matric	Diploma	Previous experience				
School	Std 6	Std 7	Std 8	Matric						
Functional training	Diploma	Degree								
Previous experience	Yes, (Specify)	No								

Was successful candidate An affirmative action appointee?	Yes	No
Was affirmative action policy applied?	Yes	No

TRAFFIC BRANCH  
MUNICIPALITY OF CAPE TOWN  
QUESTIONNAIRE

Please...\_... tick the appropriate block

	Agree	Disagree	Undecided
Affirmative action is not based on merit			
Affirmative action causes standards to drop			
Affirmative action is no more than tokenism			
Affirmative action amounts to reverse discrimination			

Other comments:

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**TRAFFIC BRANCH: MUNICIPALITY OF CAPE TOWN  
(UNIFORM PERSONNEL)**

Grade	Designation	W/M	W/W	C/M	C/W	B/M	B/W
6	Traffic Manager	-	-	1	-	-	-
8	Assistant Traffic Manager	1	-	-	-	-	-
8	Assistant Traffic Manager	ONE VACANCY					
12	Chief Inspectors	2	-	1	-	-	-
14	Senior Inspectors	8	-	2	-	-	-
15	Inspector	10	-	6	-	-	-
16	Sub. Inspectors	19	-	20	-	-	-
18	Senior Traffic Officers	41	-	41	-	-	-
18	Traffic Officers	78	10	85	3	16	-
19	Senior Traffic Wardens	-	2	-	3	-	-
20	Traffic Warden	-	23	-	19	-	3
<b>TOTALS</b>		159	35	156	25	16	3
Total number of posts (including vacant posts) = 395		W/M = White males					
Total number of incumbents = 394		W/W = White women					
		C/M = Coloured males					
		C/W = Coloured women					
		B/M = Black males					
		B/W = Black women					

**Source: Traffic Branch – Staff Office as at 30 June 1996**

## APPENDIX 7

**TRAFFIC BRANCH: MUNICIPALITY OF CAPE TOWN  
(CIVILIAN STAFF)**

Grade	Designation	W/M	WW	C/M	C/W	B/M	B/W
12	Senior admin. officer	1	-	-	-	-	-
14	Chief admin. Assistant	1	1	-	-	-	-
14	Chief examiner	Vacant					
15	Principal admin. Assistant	1	1	-	-	-	-
15	Examiner	7	-	3	-	-	-
15	Engineer/Senior staff artisan	4	-	-	-	-	-
16	Senior admin. Assistant (Special grade)	-	-	-	1	-	-
16	Foreman (workshops)	1	-	-	-	-	-
18	Admin. Assistants	9	36	9	12	2	1
18	Principal secretary	-	1	-	-	-	-
18	Storekeeper	-	-	1	-	-	-
18	Motor mechanic	-	-	1	-	-	-
19	Principal parking meter repairer	-	-	1	-	-	-
19	Sign writer	1	-	-	-	-	-
19	Principal typist	-	1	-	-	-	-
19	Principal sec. Typist	-	1	-	-	-	-
20	Senior sec. Typist	Vacant					
20	Assistant storekeeper	-	-	1	-	-	-
20	Machine minder	Vacant					
20	Senior parking meter repairer	-	-	1	-	-	-
20	Parking meter supervisor	-	-	1	-	-	-
20	Foreman (Class C)	-	-	8	-	-	-
20	Senior handyman	-	-	2	-	-	-
20	Data encoder	-	-	-	1	-	-
20	Senior telephonist	-	-	1	-	-	-
17	Senior admin. Assistant	4	2	3	1	-	-
17	Engineer staff artisan	Vacant					



## APPENDIX 7

Grade	Designation	W/M	WW	C/M	C/W	B/M	B/W
17	Charge hand artisan	-	-	1	-	-	-
21	Typist	-	6	-	2	-	-
21	Data encoder (senior)	-	2	-	-	-	-
21	Telephonist	-	-	-	2	-	-
21	Process server	-	-	1	-	-	-
21	Parking meter repairer	-	-	5	-	-	-
21	Parking meter superintendent	-	-	3	-	-	-
21	Toll parking warden	-	-	2	-	-	-
21	Toll parking attendant	2	-	2	-	-	-
21	Handyman (leading hand)	-	-	9	-	-	-
13	Certified officer	1	-	-	-	-	-
24	Service attendant	-	-	-	4	-	-
24	Office attendant	-	-	-	1	-	-
23	Parking meter attendant	-	-	4	-	-	-
25	Toll parking assistant/attendant	-	-	1	-	-	-
25	Labour (leading hand)	-	-	-	1	-	-
22	Handyman	-	-	25	-	-	-
22	Ganger	-	-	1	-	-	-
26	Labourer	-	-	8	-	-	-
		32	51	94	25	2	1
Total number of posts (including vacant posts) = 209		W/M = White males					
		W/W = White women					
		C/M = Coloured males					
		C/W = Coloured women					
		B/M = Black males					
		B/W = Black women					
Total number of incumbents = 205							

Source: Traffic Branch - Staff Office as at 30 June 1996

**AFFIRMATIVE ACTION AND HUMAN RESOURCES  
DEVELOPMENT AGREEMENT**

**BETWEEN**

**SOUTH AFRICAN MUNICIPAL WORKERS' UNION  
SOUTH AFRICAN ASSOCIATION OF MUNICIPAL EMPLOYEES  
CAPE TOWN MUNICIPAL PROFESSIONAL STAFF ASSOCIATION**

**AND**

**THE CITY OF CAPE TOWN**

**1. STATEMENT OF PRINCIPLE**

The parties to this Agreement accept the need to implement comprehensive Affirmative Action strategies and investment in Human Resources Development in order to address the imbalances occasioned by discrimination on the basis of race, gender or disability. No employee shall have their services unilaterally terminated by Council, solely as a result of Affirmative Action.

**2. DEFINITIONS**

In this Agreement the following terms shall mean:

**2.1 Affirmative Action (AA)**

Affirmative Action shall refer to a strategy and process to be used for a limited period of time to attain the policy objectives of Equal Employment Opportunity and Affirmative Action as contained in clause 4. It will specifically include actions and strategies to overcome the results of past discriminatory employment practices.

**2.2 Disadvantaged**

Shall refer to any person or persons who have been deprived of rights, career opportunities, afforded inadequate schooling or training opportunities, or been subjected to past discrimination on the basis of race, gender or disability.

It shall also refer to any person or persons who have received less advantageous conditions of service and/or wages on grounds of race, gender or disability, which have in turn negatively influenced their opportunity for advancement.

### 2.3 Disability

Disability shall refer to the physical limitation suffered by any person, whether by virtue of genetic or accidental cause.

It shall also refer to the condition of any person who has suffered from any psychological disorder or mental illness or classification which in the opinion of a medical specialist is treatable and subject to stabilisation and would not unduly influence the person's work performance.

### 2.4 Discrimination

Discrimination in the employment relationship shall mean any form of treatment, restriction of opportunity, prejudice, or differentiation of treatment which is based upon factors relating to race, gender or disability.

Affirmative Action aims at reversing previous discrimination and shall not be classified as discrimination for the purpose of preventing the implementation of Affirmative Action.

### 2.5 Equal Employment Opportunity (EEO)

Equal Employment Opportunity (EEO) shall mean equity in employment through actively prohibiting discrimination based on race, gender or disability.

Equal Employment Opportunity (EEO) shall mean equity in employment through actively prohibiting discrimination based on race, gender or disability.

Further:

- 2.5.1 to be treated in employment on the basis of personal merit and ability;

### 2.5.2 Further:

- 2.5.1 to be treated in employment on the basis of personal merit and ability;
- 2.5.2 to be advanced to a higher job without prejudice and/or discrimination;
- 2.5.3 to be advanced to a higher job without prejudice and/or discrimination;
- 2.5.3 to be protected against discrimination, exclusion or loss of opportunity in terms of conditions of employment on grounds of race, gender or disability;
- 2.5.4 To be protected against discrimination, exclusion or loss of opportunity in terms of pregnancy, maternity and child caring responsibilities.

### 2.6 Merit

Merit shall mean the capacity or competency to meet the requirements for the job. Previously demonstrated ability, qualifications, experience and knowledge shall all serve as criteria for determining competency but shall be complemented in terms of the introduction, subject to further negotiation of systems of competency assessment leading to accreditation and/or certification of achieved skills and knowledge. The intention is to meet the requirements for the job.

### 2.7 Potential

Potential shall mean the inherent capacity to do a job with a minimum of additional development and training within a reasonable period of time in order to perform the functions of the job.

## 3. OBJECTIVES OF THIS AGREEMENT

- 3.1 To define the roles of the trade unions and management in pursuing a programme of Affirmative Action.
- 3.2. To establish agreed definitions of all terms and expressions necessary to establish sound communication in the implementation of Affirmative Action strategies;
- 3.3 To provide for the resolution of disputes arising out of this Agreement and its implementation.

- 3.4 To define the obligations of the parties to promoting an understanding of this Agreement and its implementation amongst their respective constituencies.

#### 4. **POLICY OBJECTIVES OF EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION**

The following have been identified as policy objectives:

- 4.1 To engage in a process to improve the representativeness of the personnel establishment of the Council to reflect the racial and gender composition of the citizens of the Cape Town metropolitan area and to identify and give special attention to those areas of the Council's service which are not currently representative; while recognising the need to maintain and improve the present standards of effectiveness and efficiency in service delivery and an absence of discrimination based on any form of stereotyping.
- 4.2 To redress past discrimination.
- 4.3 To appoint staff based on merit. Emphasis will be on meeting the requirements for the job and not necessarily appointing the highest qualified person. Potential must be taken into account as a factor when appointing staff.
- 4.4 To establish recruiting procedures, manpower planning, succession planning, career pathing, performance management and competency based assessment which will ensure an adequate supply of suitably qualified employees while at the same time improving the representativeness of the Council's personnel establishment.
- 4.5 To enhance the capacity of the Council to deliver client-oriented services with understanding and empathy towards the community it serves.
- 4.6 To adopt a goal-orientated approach, recognising that targets will have to be set to serve as broad guidelines to be achieved over the short to medium term with

intermediate goals. There is an obvious need to be flexible as merit and standards of efficiency have to remain acceptable and would therefore act as constraints.

- 4.7 To recognise and develop potential of staff in those categories which are under-represented, by actively providing opportunities for enhancing their ability to compete for appointment on merit.
- 4.8 To remove hidden barriers and to open up career paths by ensuring access to all occupations and promotional opportunities.
- 4.9 To enable employees to acquire a range of skills which will improve their performance and their ability to compete for advancement within and outside their current employment category.
- 4.10 To break down existing stereotyping of various Council occupations based on race, gender or disability.
- 4.11 To introduce adult basic education programmes and vocational training opportunities designed to enhance the skills of the workforce on a basis over and above that which is needed for the particular and immediate establishment needs of the Council.
- 4.12 To introduce programmes to re-orientate management and workers in relation to discriminatory attitudes based on race, gender or disability.

## **5. IMPLEMENTATION AND MONITORING OF AFFIRMATIVE ACTION PROGRAMMES AND PROJECTS**

- 5.1 The Unions acknowledge that in the final instance the Council has the right to manage its affairs and the Council acknowledges the right of the Unions to negotiate on any matter affecting the rights of their members.

- 5.2 The Council acknowledges that the effective implementation of AA programmes requires monitoring, evaluation and adjustment and accept that there be joint supervision of the implementation of the AA policy and programmes by employers and employees.
- 5.3 The parties agree to the establishment of an AA Board (hereinafter “the Board”) to be composed of an equal number of representatives of the Executive Committee and departments on the one hand and recognised Unions on the other.
- 5.4 Where more than one Union is representing employees, such Unions’ representation shall be based proportionally to their membership, and shall be reviewed from time to time.
- 5.5 The Board shall consist of 18 members plus 2 *ex-officio* members comprising:

Chairperson who will be the Chief Executive Officer or his nominee  
(*ex-officio*)  
AA Officer (*ex-officio*).

9 Departmental Representatives/Executive Committee members  
6 SAMWU representatives  
2 SAAME representatives  
1 CTMPSA representative  
18

- 5.6 It shall be the delegated responsibility of the Board to:
- 5.6.1 promote the AA policy and programmes through the AA Officer;
- 5.6.2 initiate an AA audit as a matter of priority;
- 5.6.3 set targets and criteria for the implementation of Affirmative Action towards enhancing the representativeness of the organisation over time and report these targets to the Chief Executive Officer and the Executive Committee;

- 5.6.4 initiate, monitor and implement specific AA programmes and projects in terms of approved policies and procedures and make recommendations to the Executive Committee in the absence of an approved policy;
- 5.6.5 initiate, negotiate and monitor the elimination of discriminatory provisions in all service conditions and benefits;
- 5.6.6 consider programmes to overcome discriminatory attitudinal problems;
- 5.6.7 promote effective management of Affirmative Action amongst supper and line management;
- 5.6.8 consider specific training programmes and projects which comply with the standards set by the National Training Board;
- 5.6.9 establish structures for consultation and systems of monitoring particular strategies, programmes or projects and for their evaluation and adjustment;
- 5.6.10 monitor and evaluate progress of specific AA strategies, programmes or projects being implemented by the Board;
- 5.6.11 amend, adjust or terminate specific AA programmes or projects implemented by the Board;
- 5.6.12 identify specific areas where the AA policy and programmes are not being implemented satisfactorily;
- 5.6.13 receive regular progress reports from the AA Officer;
- 5.6.14 report targets set, progress achieved and any deviations to the AA policy and programmes to the Chief Executive Officer and the Executive Committee, on a regular basis. It shall be the responsibility of the Chief Executive Officer and the Executive Committee to act on these deviations;
- 5.6.15 determine the allocation of the budgetary provision set aside by Council for the purposes of Affirmative Action;
- 5.7 In reaching any decision, the Board shall make every endeavour to achieve such decision through consensus. Where consensus cannot be reached a decision on a vote of a majority of two-thirds of the eighteen voting members of the Board shall be a decision of the Board; provided that the Chairperson and the AA Officer shall not be entitled to a vote at meetings of the Board.
- 5.8 The quorum for meetings of the Board shall be twelve members.



5.9 The Board will meet at least once per month.

5.10 Where parties are aggrieved by a decision of the Board, the dispute settling mechanisms in paragraph 11 shall apply.

## **6. AFFIRMATIVE ACTION OFFICER**

6.1 The AA Officer shall be based in the Department of Human Resources but will report to the Chief Executive Officer and the Board.

6.2 The AA Officer shall be present at all Executive Committee meetings when Affirmative Action matters are discussed.

6.3 In addition, the AA Officer shall have the right to raise matters with the Executive Committee, where necessary.

6.4 This full-time post shall be on a contract basis for an initial period of two years renewable annually, thereafter.

6.5 The AA Officer will advise the Board and line managers on various aspects of Affirmative Action.

6.6 He/she shall initiate, develop, implement and manage AA programmes and projects in terms of approved policies and procedures.

6.7 He/she shall promote the AA policy and programmes amongst management.

6.8 He/she shall monitor, evaluate and audit AA programmes;

6.9 He/she shall recommend remedial action to address deviations from the AA policy and programmes.

6.10 He/she shall undertake research into various aspects of Affirmative Action.

**7. ELIMINATION OF DISCRIMINATORY AND INEQUITABLE PROVISIONS IN COUNCIL'S CONDITIONS OF SERVICE**

Where any party believes the Conditions of Service are inequitable and its members are being discriminated against, the parties undertake to review the appropriate Condition(s) of Service and related benefits as and when necessary. The aim shall be to request Council to eliminate any provisions which are inconsistent with the principle of equal conditions for equal work or which unfairly discriminate between the Conditions of Service of different categories of employee.

**8. FINANCIAL PROVISION FOR AFFIRMATIVE ACTION AND HUMAN RESOURCES DEVELOPMENT**

The Council acknowledges the principle that expenditure on Human Resource Development and Affirmative Action is an investment in the future and shall accordingly allocate funds from its Annual Budget for the purpose of Affirmative Action.

**9. INTEGRATION OF SINGLE ADMINISTRATIONS**

- 9.1 Council undertakes to encourage other local authorities represented in the Cape Metropolitan Negotiating Forum and other bodies arising out of this forum, to prioritise the implementation of Affirmative Action.

**10. EQUITY IN REPRESENTATIONAL CAPACITY FOR TRADE UNIONS**

- 10.1 Council acknowledges that for representatives to the Board to effectively fulfill their task, training and capacity building in Affirmative Action is necessary.
- 10.2 To this end, the Chief Executive Officer will consider all ad hoc requests for special leave to allow each Board Member the opportunity to attend *bona fide* courses and conferences relating to Affirmative Action.

## **11. GRIEVANCES, APPOINTMENT APPEALS AND DISPUTES**

- 11.1 Any employee having a grievance arising out of the implementation of the AA policy shall lodge such grievance through the normal Grievance Procedure or Appointments Appeal Procedure as the case may be. It shall be the responsibility of line management to inform the AA Officer thereof. The AA Officer may investigate such case and make any such recommendations as he/she sees fit.
- 11.2 In the event of Council's Dispute Procedure failing to resolve the dispute, it shall be referred to arbitration within a period of 7 (seven) days. Such arbitration will take place in terms of the Arbitration Act. A panel of arbitrators, from which the arbitrator will be selected, will be appointed by the Board at its first meeting.

## **12. STATUS AND AMENDMENT OF THIS AGREEMENT**

- 12.1 The parties recognise this as a framework Agreement and a statement of intent which may be complemented by further negotiated policies and procedures on:
- 12.1.1 employment, recruitment and selection;
  - 12.1.2 employee development (including competency assessment with an aim to achieve nationally recognised certification/accreditation) and career pathing;
  - 12.1.3 performance management;
  - 12.1.4 Affirmative Action training.
- 12.2 This Agreement shall be legally binding between the parties for a period of five years from the date of signature hereof, and may be extended through negotiation with the parties should the objectives not have been met. This Agreement may be amended from time to time on one month's written notice by any of the parties, but in any event may be subject to review at least one year after it comes into force, and at least annually thereafter.

- 12.3 The parties recognise that the effective implementation of this Agreement requires that their respective constituencies are informed and supportive of this Agreement and undertake to promote and publicise its principles and objectives within their respective constituencies.

Signed at Cape Town this ..... day of APRIL 1994

COUNCIL:

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SAAME:

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WITNESS:

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WITNESS:

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SAMWU:

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CTMPSA:

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WITNESS:

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WITNESS:

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